



[4910-13]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

Approval of Noise Compatibility Program for Philadelphia International Airport, Philadelphia, PA

**AGENCY:** Federal Aviation Administration, DOT

**ACTION:** Notice

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by City of Philadelphia under the provisions of 49 U.S.C. 47501 et seq. (formerly the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as "Part 150"). On June 1, 2010, the FAA determined that the noise exposure maps submitted by City of Philadelphia under Part 150 were in compliance with applicable requirements. On July 13, 2012, the FAA approved the Philadelphia International Airport noise compatibility program. Most of the recommendations of the program were approved.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Noise Compatibility Program for Philadelphia International Airport is July 13, 2012.

**FOR FURTHER INFORMATION CONTACT:** Susan McDonald, FAA, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Camp Hill, PA 17011, [susan.mcdonald@faa.gov](mailto:susan.mcdonald@faa.gov), (717) 730-2841.

Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Philadelphia International Airport, effective July 13, 2012.

Under section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

- a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of Part 150;
- b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;
- c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and
- d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses

under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required. Prior to an FAA decision on a request to implement the action, an environmental review of the proposed action may be required. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under applicable law contained in Title 49 U.S.C. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Camp Hill, Pennsylvania.

The Philadelphia International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from January 20, 2012 to the year 2017. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 47504 of the Act. The FAA began its review of the program on January 24, 2012 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained twenty-two proposed actions for noise abatement, noise mitigation, land use planning and program management on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and Part 150 have been satisfied. The overall program was approved by the FAA, effective July 13, 2012.

Outright approval was granted for five specific program measures. These measures were; engine run-up restrictions; support of local municipalities in comprehensive planning strategies to reduce non-compatible land use; establish a noise abatement advisory committee; continue to develop the responsibilities of the Philadelphia International Airport Noise Office; and update the Noise Exposure Maps (NEMs) and Noise Compatibility Program (NCP). Fifteen program measures were approved subject to certain conditions. Conditions generally involved adherence to safety, design, regulatory standards or

other conditions as determined necessary by FAA or airport operators. These measures were; use of Runways 09L/09R/17/35/08 noise abatement departure flight tracks; Runway 27L noise abatement departure flight track; Runway 27R noise abatement departure flight track; continue and expand the nighttime runway use program; encourage noise attenuating standards in airport development; continue the residential sound insulation program; develop and implement a purchase assurance program; develop and implement a Fort Mifflin sound insulation program; develop and implement a voluntary acquisition program; sound insulate educational facilities and places of worship; enhance the airport's existing noise monitoring and flight tracking system by acquiring a multilateration system; install additional permanent noise monitors, continue to develop an informal community awareness program; improve and upgrade web-based noise information; and develop and implement a Fly Quiet Program. Two program measures were disapproved for the purposes of Part 150. These measures were; support the creation and use of Area Navigation (RNAV) and Required Navigation Performance (RNP); and support the development of Continuous Descent Approaches (CDA). The two measures that were disapproved for the purposes of Part 150 because they do not have a measureable noise benefit to sensitive land uses within the Day-Night Level (DNL) 65 decibel noise contour. The airport can pursue or implement the measures outside of the Part 150 program.

These determinations are set forth in detail in a Record of Approval signed by the Acting Division Manager for the Eastern Region Airports Division on July 13, 2012. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the Philadelphia International Airport Office of the Noise Abatement Program Manager, at 2801 Island Avenue, Suite 13, Philadelphia, Pennsylvania. The Record of Approval also will be available on-line at:

[http://www.faa.gov/airports\\_airtraffic/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/).

Issued in Jamaica, New York on July 16, 2012.

Debbie Roth

Acting Manager, Eastern Region Airports Division

[FR Doc. 2012-17858 Filed 07/20/2012 at 8:45 am; Publication Date: 07/23/2012]